

August 14, 2009

Mr. Mark E. Detterman  
Hazardous Material Specialist  
Alameda County Health Care Services Agency  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: In Response to Mr. Detterman's Letter, July 24, 2009 – "Notice To Comply"  
Case # RO0002667, and Geotracker Global ID T06019752713, Discount Auto Sales, 21153  
Foothill Blvd, Hayward, CA 94541

Dear Mr. Detterman:

I am writing you in response to your "Notice To Comply" letter dated July 24, 2009, in reference to your agency's case number indicated above. I have attached a copy of your letter. In your letter, you indicated that, based on your review, we are required to upload survey data dating from July 1, 2005 to presently for our property located at 21153 Foothill Blvd, Hayward, California 94541. Furthermore, you indicated that failure to do so may result in your agency issuing a "Notice of Violation and or possible referral to the office of District Attorney for enforcement action," citing several California Code of Regulations sections as your authority for your notice and placing our property on your GeoTracker database. Please be informed that your case and your letter contain a number of errors, including your re-opening of a resolved and closed case from 1991 without cause.

First and foremost, you incorrectly indicate that there was a "Fuel Leak" at our property. As I mentioned, in our phone conversation on July 31, 2009, we have never had any fuel leaks, nor do we have any fuel tanks, above or below ground.

As I explained to you, a small quantity of oil was spilled in 1991, when a tenant's child knocked over a container of oil. Our neighboring business owner, who was unhappy because he opined that black, Hispanic, and "undesirable" customers that visited our business made him and his "high-end" clientele uncomfortable, used this incident to initiate a dubious complaint that resulted in an investigation by the Alameda County. Despite our sense of indignation, we fully cooperated with the investigation, and hired an engineering firm that examined and cleaned up the site removing a large volume of soil that was considerably larger than any contaminated soil. Needless to say, it was a costly operation. Upon the completion of the work and your agent's inspection our case was closed in 1991. I might add that the agent who investigated the incident was dumfounded and sympathetic about what we were being subjected to. Our infamous neighbor, however, was not satisfied with what he had inflicted and would

continue with numerous confrontations with our customers, his own customers, neighboring tenants, and anyone else whom he felt did not fit the "ambiance" that he desired for the neighborhood and his business establishment.

Now in 2009, eighteen years later, using erroneous or perhaps incomplete information, you have listed our property as having had a fuel leak, placed it on your website, and marked it as an open /unresolved case, even though we mitigated the problem in 1991 above and beyond what was required to the satisfaction of your investigating agent who monitored the work progress and its completion. The regulations you cite as your authority contain no requirements for placing our property on your website, nor do they require us to obtain or to furnish the survey data that you requested for the period from 2005 until presently. Please note that GeoTracker began its operation in 2004, long after the incident in 1991.

As you may well understand, I am extremely concerned about the adverse effects of having our property listed on your site with erroneous information such as the type of spill and its resolution. In our conversation, you indicated you had just started working at this agency in the last 3-4 months. While I am sympathetic about your difficulties at a new job, I cannot ignore the ramifications of your unfounded allegations and threats. Furthermore, you indicated that your website is obscure and hard to access. Please note that the relative difficulty in locating derogatory information about our property is not a remedy for its dire financial impact. You will agree that publicly accessible negative data emanating from your agency is a burden on any property. Incorrect public data is also copied to and stored on numerous commercial websites, even after your agency has corrected its own data.

Even given the dubious nature of the original 1991 complaint and investigation, I am not of the mindset to unnecessarily cause problems for your agency or you personally, but I do want our property and all erroneous information removed from your web site and your case file corrected. Thank you for your cooperation.

Sincerely

Farzad Sarabi  
58 Topside Way,  
Mill Valley, CA 94941  
Tel: 415-233-0745

Cc: Donna Drogos, ACEH  
Mr. David J. Kears, Director ACEH

Attachment: Mr. Detterman's, ACEH, Notice to Comply, Dated July 24, 2009



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

## NOTICE TO COMPLY

July 24, 2009

BEHROOZ & FARZAD SARABI  
NA  
21153 FOOTHILL BLVD  
HAYWARD CA 94541

Subject: Fuel Leak Case No. RO0002667 and Geotracker Global ID T06019752713, DISCOUNT AUTO SALES, 21153 FOOTHILL BLVD, HAYWARD CA 94541 – Groundwater Monitoring Requirements

Dear Responsible Party:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, and Section 13304 of the Water Code, you are required to claim your site and subsequently electronically transmit reports and other site data, as required.

In order to regain compliance, please claim your site ([www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)), upload all analytical data (EDF), including monitoring well survey data (GEO\_XY and GEO\_Z), and PDF reports from July 1, 2005 to current, to the SWRCB's GeoTracker database and submit verification to ACEH by **August 10, 2009**. Failure to claim the site by the due date specified above may result in issuance of a Notice of Violation and/or possible referral to the Office of the District Attorney for enforcement action.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

cc: Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH (Sent via E-mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, File

**RESPONSIBLE PARTY OF RECORD AS OF 07/22/2009**

**RO0002667, DISCOUNT AUTO SALES, 21153 FOOTHILL BLVD , HAYWARD, CA, 94541**

Alameda County Environmental Health (ACEH) has the following information on record regarding the Responsible Party(ies) for the above referenced site. Please update the following information for our records. Should you have contact information regarding additional Responsible Parties, please correct the information accordingly. Also, please check the "e-mail preferred" box to receive all future correspondences and notifications by e-mail.

E-mail Preferred

Hardcopy Preferred

ACEH is requesting your e-mail address so that we can correspond with you quickly and efficiently regarding your case. Please note that ACEH respects your privacy. Your e-mail address will remain confidential and will not be provided to any third party.

Current Information

BEHROOZ & FARZAD SARABI  
NA  
21153 FOOTHILL BLVD  
HAYWARD CA 94541

Corrections or Additions

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_  
Office Phone: (\_\_\_\_) \_\_\_\_\_  
Cell Phone: (\_\_\_\_) \_\_\_\_\_

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests; regulatory review, and compliance/enforcement activities.

#### REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a single portable document format (PDF) with no password protection. (Please do not submit reports as attachments to electronic mail.)
- It is preferable that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements must be included and have either original or electronic signature.
- Do not password protect the document. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. Documents with password protection will not be accepted.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:  
RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

#### Submission Instructions

- 1) Obtain User Name and Password:
  - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
    - i) Send an e-mail to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - b) In the subject line of your request, be sure to include "ftp PASSWORD REQUEST" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker)** you will be posting for.
- 2) Upload Files to the ftp Site
  - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
    - (i) Note: Netscape and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
  - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
  - a) Send email to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org) notify us that you have placed a report on our ftp site.
  - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., [firstname.lastname@acgov.org](mailto:firstname.lastname@acgov.org))
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO# use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

Farzad Sarabi  
58 Topside Way  
Mill Valley, CA 94941

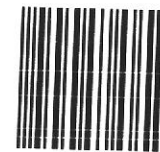
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Mr. Mark E. Detterman  
Alameda County Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**RETURN RECEIPT  
REQUESTED**

August 14, 2009

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Hazardous Material Specialist  
Alameda County Health Care Services Agency  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

SEARCHED  
SERIALIZED  
INDEXED  
FILED

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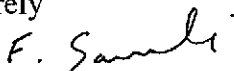
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Farzad Sarabi  
58 Topside Way,  
Mill Valley, CA 94941  
Tel: 415-233-0745

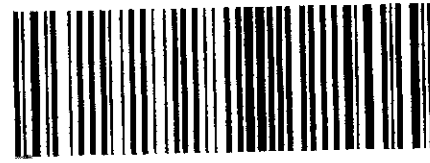
Cc: Donna Drogos, ACEH  
Mr. David J. Kears, Director ACEH

Attachment: Mr. Detterman's, ACEH, Notice to Comply, Dated July 24, 2009



Farzad Sarabi  
58 Topside Way  
Mill Valley, CA 94903

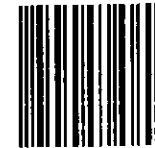
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Ms. Donna Drogos  
Alameda County Health Care Services Agency  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**RETURN RECEIPT  
REQUESTED**

9450286540 0039



August 14, 2009

Mr. Mark E. Detterman  
Hazardous Material Specialist  
Alameda County Health Care Services Agency  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
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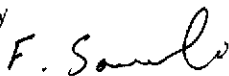
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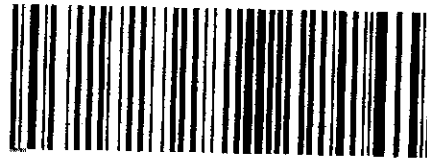
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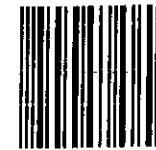
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Mill Valley, CA 94903

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REQUESTED**

Mr. Mark E. Detterman  
Alameda County Health Care Services Agency  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

945026540 0039



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

**NOTICE TO COMPLY**

July 24, 2009

BEHROOZ & FARZAD SARABI

NA

21153 FOOTHILL BLVD  
HAYWARD CA 94541

Subject: Fuel Leak Case No. RO0002667 and Geotracker Global ID T06019752713, DISCOUNT AUTO SALES, 21153 FOOTHILL BLVD, HAYWARD CA 94541 – Groundwater Monitoring Requirements

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If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Detterman", with a stylized flourish at the end.

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

cc: Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH (Sent via E-mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
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**RESPONSIBLE PARTY OF RECORD AS OF 07/22/2009**

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E-mail Preferred

Hardcopy Preferred

ACEH is requesting your e-mail address so that we can correspond with you quickly and efficiently regarding your case. Please note that ACEH respects your privacy. Your e-mail address will remain confidential and will not be provided to any third party.

Current Information

BEHROOZ & FARZAD SARABI  
NA  
21153 FOOTHILL BLVD  
HAYWARD CA 94541

Corrections or Additions

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_  
Office Phone: (\_\_\_\_) \_\_\_\_\_  
Cell Phone: (\_\_\_\_) \_\_\_\_\_

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
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    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - b) In the subject line of your request, be sure to include "ftp PASSWORD REQUEST" and in the body of your request, include the Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.
  
- 2) Upload Files to the ftp Site
  - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
    - (i) Note: Netscape and Firefox browsers will not open the FTP site.
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  - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
  - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
  
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
  - a) Send email to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org) notify us that you have placed a report on our ftp site.
  - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
  - c) The subject line of the e-mail must start with the RO# followed by Report Upload. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO# use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

**NOTICE TO COMPLY**

July 24, 2009

BEHROOZ & FARZAD SARABI  
NA  
21153 FOOTHILL BLVD  
HAYWARD CA 94541

Subject: Fuel Leak Case No. RO0002667 and Geotracker Global ID T06019752713, DISCOUNT AUTO SALES, 21153 FOOTHILL BLVD, HAYWARD CA 94541 – Groundwater Monitoring Requirements

Dear Responsible Party:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, and Section 13304 of the Water Code, you are required to claim your site and subsequently electronically transmit reports and other site data, as required.

In order to regain compliance, please claim your site ([www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)), upload all analytical data (EDF), including monitoring well survey data (GEO\_XY and GEO\_Z), and PDF reports from July 1, 2005 to current, to the SWRCB's GeoTracker database and submit verification to ACEH by **August 10, 2009**. Failure to claim the site by the due date specified above may result in issuance of a Notice of Violation and/or possible referral to the Office of the District Attorney for enforcement action.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Detterman", with a long horizontal line extending to the right.

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

cc: Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH (Sent via E-mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, File



**RESPONSIBLE PARTY OF RECORD AS OF 07/22/2009**

**RO0002667, DISCOUNT AUTO SALES, 21153 FOOTHILL BLVD , HAYWARD, CA, 94541**

Alameda County Environmental Health (ACEH) has the following information on record regarding the Responsible Party(ies) for the above referenced site. Please update the following information for our records. Should you have contact information regarding additional Responsible Parties, please correct the information accordingly. Also, please check the "e-mail preferred" box to receive all future correspondences and notifications by e-mail.

E-mail Preferred

Hardcopy Preferred

ACEH is requesting your e-mail address so that we can correspond with you quickly and efficiently regarding your case. Please note that ACEH respects your privacy. Your e-mail address will remain confidential and will not be provided to any third party.

Current Information

BEHROOZ & FARZAD SARABI  
NA  
21153 FOOTHILL BLVD  
HAYWARD CA 94541

Corrections or Additions

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_  
Office Phone: (\_\_\_\_) \_\_\_\_\_  
Cell Phone: (\_\_\_\_) \_\_\_\_\_

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests; regulatory review, and compliance/enforcement activities.

#### REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a single portable document format (PDF) with no password protection. (Please do not submit reports as attachments to electronic mail.)
- It is preferable that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements must be included and have either original or electronic signature.
- Do not password protect the document. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. Documents with password protection will not be accepted.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:  
RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

#### Submission Instructions

- 1) Obtain User Name and Password:
  - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
    - i) Send an e-mail to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
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  - a) Send email to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org) notify us that you have placed a report on our ftp site.
  - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
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